

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM TERRITORY

FILED
DISTRICT COURT OF GUAM

Frankie T. Camacho,
Plaintiff,

vs.

Guam Territory; Guam
Dept. of Corrections;
Mike Quinata; Guam
Parole Commissioner;
Gil Quinata,
Defendants.

Civil # CV-05-00007

MARY L.M. MORAN
CLERK OF COURT

(5)

AMENDED COMPLAINT

Comes now, Frankie T. Camacho, the plaintiff pro se in the above-styled lawsuit and would show this Honorable Court as follows:

1. That on April 27, 2005, the plaintiff contacted LINDA CHARSAUROS, Guam Territory Parole Agent, and was informed by this person that the Guam Parole Commission had conducted plaintiff's parole hearing--without plaintiff's attendance-- and parole had been denied.

2. Defendant CHARSAUROS stated that plaintiff was denied appearance at parole hearing because Guam did not have the financial resources to accomodate plaintiff's right to be present at parole determination hearing.
3. Plaintiff specifically demanded to be present at his parole hearing and did not waive that Constitutional and Statutorial right.
4. Defendant CHARSAUROS further informed the plaintiff that plaintiff had a Guam "Case Worker" (Mr. Joe Afisen) who was supposed to ensure that plaintiff was informed as to his rights under Guam law as a Guam prisoner.
5. Plaintiff has never heard from or had contact with defendant Joe Afisen or any other putative "Case Worker". Moreover, plaintiff has been, and continues to be deprived access to Guam law or other information to advise plaintiff as to his rights and privilages under Guam law.
6. Defendants CHARSAUROS and JOE AFISEN as well as various other Guam officials (JANE and JOHN DOES) have been and continue to deprive plaintiff of right and privilages guaranteed to him as a Guam prisoner serving sentence in the USA in violation of the 5th, 8th, and 14th Amendments to the U.S. Constitution and Guam Constitution and Guam Laws.

7. The defendants refuse to allow plaintiff to return to his home in Guam after almost twenty (20) years of being exciled in the U.S.A. away from family, friends and rehabilitative opportunities.

8. Plaintiff is entitled to certain rehabilitative services and rights under Guam laws (e.g. work release, ½-way house, supervised foughlows, education release, ect...) which have been and continue to be deprived from plaintiff.

9. Defendant CHARSAUROS advised plaintiff that he was denied parole and personal appearance based on pecuniary reasons. Further, it is monetary excuses that keep plaintiff from his family, his rehabilitation, his home, and now his release from prison after service of 25 years of a 30 year prison sentence.

10. Defendant Guam DOC is depriving plaintiff access to law books and the courts by not providing plaintiff with Guam laws. DOC policies, and/or Guam Parol Guidlines.

11. Defendant's Mike and Gil QUINATA have been and continue to be deliberately indifferent to plaintiff's rights. These defendants, along with defendant Joe Afisen and others, sit in Guam ignoring Guam prisoners housed in U.S. prisons while collecting a paycheck and funds meant to accommodate prisoners like plaintiff.

12. Defendant Robert D. CAMACHO (no relation to plaintiff) is the director of Guam DOC and has a duty to ensure that policy and

regulations are created and effected to protect all Guam prisoners and guarantee all Guam prisoners Constitutional rights are not violated. Plaintiff has repeatedly sent letters to the Director's offices over the years and not one letter has been answered.

13. The defendants named and unnamed in this lawsuit treat all Guam prisoners with deliberate indifference to their Constitutional rights. Therefore, plaintiff is moving for class action status under Rule 23, F.R. Civ.P.^{1/}

CLAIMS FOR JUSTICE

A. Defendants have been and continue to deprive plaintiff, and all other Guam prisoners housed in USA prisons, with basic rights guaranteed to Guam prisoners in violation of 5th, 8th, and 14th Amendments to the U.S. Constitution and Guam Territorial Constitution and Laws.

B. Defendant CAMACHO's refusal to take remedial measures to protect Guam prisoners rights as exciled Guam prisoners violates the 1st, 5th, 8th, and 14th Amendments to the U.S. Constitution.

C. Defendants Mike and Gil QUINATA, Joe AFISEN, CHARSAUSOS, CAMACHO, and other unknown John and Jane DOES are responsible for,

^{1/} Motion and Supporting Affidavits for Class Action attached herewith.

and paid by Guam citizens to provide, Guam prisoners with basic needs and rights; including Guam prisoners transferred to U.S. prisons, however those defendants have denied and continue to deny these prisoners their rights in violation of 1st, 5th, 8th, and 14th Amendments to the U.S. Constitution.

D. Defendants denied plaintiff parole eligibility for over a year and then conducted the parole hearing without plaintiff's presence, in violation of the law. cf. Hoitt v. Vitek, 361 F. Supp. 1238; 18 U.S.C. §5003 et. seq.

RELIEF

1. Jury Trial
2. Class Action Status
3. Comprehensive Discovery
4. Appointment of Counsel
5. Declaratory Judgment stating:
 - A. U.S. held Guam prisoners are entitled to all rights and privileges afforded prisoners held in Guam proper.
 - B. that denying U.S. held Guam prisoners Guam law and attendance at parole hearings violates the Constitution.
 - C. that defendants have a job to do and should properly perform those duties or be subject to sensor or removal.
6. Injunctive Relief:
 - A. Ordering defendants to immediately return plaintiff to

Guam prisons;

- B. Ordering defendants to immediately provide plaintiff, and all other U.S. held Guam prisoners similarly situated, with rights and privileges guaranteed them.
7. Compensatory damages in the amount of \$1,000,000.00 against each newly named defendant;
8. Punitive award in the amount of \$1,000,000.00 against each newly named defendant;
9. Any other relief this Court deems appropriate.

Respectfully prayed for this 16 day of May 2005. Sworn to under penalty of perjury under 28 U.S.C.

/s/ Frankie T. Camacho
Frankie T. Camacho